

MINUTES OF THE SEPTEMBER 18, 2007 DRAINAGE BOARD MEETING

The Gibson County Drainage Board met in regular session on Tuesday, September 18, 2007 at 1:15 p.m. Members present were N. Sherrell Marginet, Don Whitehead and Bob Townsend. Also present were Michael Stevenson, Candace Corn, and Orville Byrns. Also present for a portion of the meeting were Gary Fritz; Chris Hoppel and Mike Hurt with Gibson County Coal; Pat Gould with Lamac Engineering; and Jimmy Marvel of A&B Contracting.

I. MINUTES

- a. Minutes of the last meeting were read. Bob Townsend made a motion that the minutes be approved. Don Whitehead seconded the motion and the minutes were unanimously approved.

II. APPROVED REQUESTS

III. TABLED REQUESTS

- a. Gibson Water is planning on running a water line underneath the Lillard Ditch. (Waiting on a copy of the plans.)

IV. OLD BUSINESS

- a. Storm water control ordinance: The Surveyor's Office received a call from a representative of Commonwealth Engineering who stated he could come up and give us an idea of what their company could do for us, possibly in October.
- b. The Ordinance for requirements to cross a regulated drain that was passed in the September 4th Commissioners' meeting has an attachment from which all the measurements have been removed. Surveyor Stevenson will talk to Jerry Stilwell regarding the changes on the attachment and after the issue is cleared up, a copy of the Ordinance will be sent to the incorporated ditch systems for their information. Chairman Marginet brought up the issue of requiring a bond to cross a regulated drain and Surveyor Stevenson stated he had spoken to Jerry Stilwell about it and Attorney Stilwell had not included it in the agreement possibly due to another statement in the Ordinance regarding liability. It was suggested that Surveyor Stevenson speak with Attorney Stilwell about the bond requirement again.
- c. Larry Wira requests inspection of the McSwain Ditch to Upper Pigeon Creek at the bridges on County Roads 850 and 900 East. This will be inspected again in fall.
- d. Marlin Sollman's request for maintenance on the Hurricane will be looked at in the fall.

V. NEW BUSINESS

- a. Gary Fritz appeared before the Board requesting approval of Kohlmeier Estates (Phase I) in Section 13, Township 3 South, Range 9 West and Section 18, Township 3 South, Range 8 West in Barton Township. The tiled waterway that runs across Lot #7 is in a Farm Service Agency program and has another five years to be included in the program. However, if necessary, they could opt out of the program. This will be discussed with any potential purchaser of the lot. Mr. Fritz stated the lay of the land where the subdivision is located has not been changed for years. Mr. Fritz also stated that the amount of runoff would probably never be the same as it used to be due to the coal mine surface mining Tally Hill and upon reclamation, will never have the elevation it used to have. After discussion, Don Whitehead made a motion to accept Kohlmeier Estates (Phase I). Bob Townsend seconded the motion and the motion was unanimously approved.

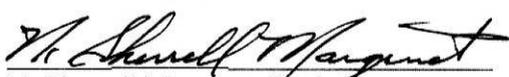
VI. DISCUSSION

- a. Mike Hurt and Chris Hoppel with Gibson County Coal (GCC) appeared before the Board regarding the raising and widening of County Road 650 West from Highway 64 north to County Road 100 North then west to the GCC portal. A portion of this road lies within the right-of-way of the Louise Davis Lateral to the Lillard Ditch System. Discussion ensued regarding a written agreement containing the following items:
- GCC obtaining landowner signatures that they are agreeing to the road raising. There are a total of six landowners and currently two have signatures. If there are problems with someone signing, the reasons for them not signing will be looked at closely;
 - GCC keeping the road for a few years to make sure it does not slough off, wash out or cause flooding damage and if it does, the County would not be held liable. GCC requests the County do routine maintenance and GCC would replace culverts etc. caused by washouts and maintain side slopes along the edge of the road. GCC will be putting in 11 culverts, two of them replacing existing ones;
 - The County will not be held liable for any contamination caused by the fill used on the road (a copy of a letter from the DNR will be provided to the Board);
 - The elevation of the road will be two tenths lower than the elevation of the centerline of Highway 64;
 - GCC will work with Highway Superintendent Jerry Heldt regarding any guardrails to be installed and at what heights; and
 - GCC or the contractor awarded the bid will contact the Surveyor's Office and make arrangements for the section corners to be recovered and new monumentation put in place.

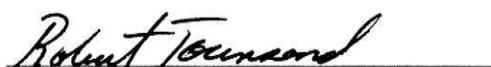
It was agreed that the above items would be forwarded to Attorney Jerry Stilwell to be put into an agreement between Gibson County and Gibson County Coal.

Commissioner Townsend suggested GCC get with INDOT on using the road for an entrance to a mine.

With there being no other business, Don Whitehead made a motion to adjourn. Bob Townsend seconded the motion and the meeting was adjourned.


N. Sherrell Marginet, Chairman


Don Whitehead, Vice-Chairman


Robert Townsend


Candace E. Corn, Secretary